

Senate File 479

S-3066

1 Amend Senate File 479 as follows:

2 1. Page 2, after line 13 by inserting:

3 <Sec. _____. Section 411.1, subsection 14, Code 2021, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 14. "*Member in good standing*" means any member in service
7 who has not been terminated by the employing city of the
8 member pursuant to section 400.18 or 400.19. Termination
9 procedures initiated by the chief of police or chief of the
10 fire department pursuant to section 400.19 shall not become
11 final or adversely impact a member's status as a member in
12 good standing until all appeals provided by an applicable
13 collective bargaining agreement or by law have been exhausted.
14 Disciplinary action other than discharge shall not adversely
15 affect a member's status as a member in good standing.

16 Sec. _____. Section 411.1, Code 2021, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 15A. "*Ordinary disability beneficiary*"
19 means a member retired on an ordinary disability retirement
20 benefit pursuant to section 411.6, subsection 3, for five years
21 or less.

22 Sec. _____. Section 411.6, subsection 5, paragraphs a and b,
23 Code 2021, are amended to read as follows:

24 a. Upon application to the system, of a member in good
25 standing, of an ordinary disability beneficiary, or of the
26 chief of the police or fire departments, respectively, any
27 member in good standing or ordinary disability beneficiary
28 who has become totally and permanently incapacitated for duty
29 as the natural and proximate result of an injury or disease
30 incurred in or aggravated by the actual performance of duty
31 ~~at some definite time and place~~ or arising out of and in the
32 course of the employment, or while acting pursuant to order,
33 outside of the city by which the member is regularly employed,
34 shall be retired by the system if the medical board certifies
35 that the member or ordinary disability beneficiary is mentally

1 or physically incapacitated for further performance of duty,
2 that the incapacity is likely to be permanent, and that the
3 member or ordinary disability beneficiary should be retired.
4 However, if a person's membership in the system first commenced
5 on or after July 1, 1992, the member or ordinary disability
6 beneficiary shall not be eligible for benefits with respect to
7 a disability which would not exist, but for a medical condition
8 that was known to exist on the date that membership commenced.
9 A medical condition shall be deemed to have been known to exist
10 on the date that membership commenced if the medical condition
11 is reflected in any record or document completed or obtained
12 in accordance with the system's medical protocols pursuant to
13 section 400.8, or in any other record or document obtained
14 pursuant to an application for disability benefits from the
15 system, if such record or document existed prior to the date
16 membership commenced. A member who is denied a benefit under
17 this subsection, by reason of a finding by the medical board
18 that the member is not mentally or physically incapacitated
19 for the further performance of duty, shall be entitled to
20 be restored to active service in the same position held
21 immediately prior to the application for disability benefits.
22 b. If a member in service or the chief of the police or
23 fire departments becomes incapacitated for duty as a natural
24 or proximate result of an injury or disease incurred in or
25 aggravated by the actual performance of duty ~~at some definite~~
26 ~~time or place~~ or arising out of or in the course of the
27 employment, or while acting, pursuant to order, outside the
28 city by which the member is regularly employed, the member,
29 upon being found to be temporarily incapacitated following a
30 medical examination as directed by the city, is entitled to
31 receive the member's full pay and allowances from the city's
32 general fund or trust and agency fund until reexamined as
33 directed by the city and found to be fully recovered or until
34 the city determines that the member is likely to be permanently
35 disabled. If the temporary incapacity of a member continues

1 more than sixty days, or if the city expects the incapacity
2 to continue more than sixty days, the city shall notify the
3 system of the temporary incapacity. Upon notification by a
4 city, the system may refer the matter to the medical board for
5 review and consultation with the member's treating physician
6 during the temporary incapacity. Except as provided by this
7 paragraph, the board of trustees of the statewide system has no
8 jurisdiction over these matters until the city determines that
9 the disability is likely to be permanent.

10 Sec. _____. Section 411.6, subsection 5, Code 2021, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *0d.* Disease under this subsection shall
13 also mean any incapacitating mental disorder arising out of
14 and in the course of the employment, or while acting, pursuant
15 to order, outside the city by which the member is regularly
16 employed. A disease shall qualify as an incapacitating mental
17 disorder irrespective of the absence of similar effects on
18 other members.

19 Sec. _____. Section 411.6, subsection 6, Code 2021, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *d.* (1) Upon a determination on or after
22 July 1, 2021, that an ordinary disability beneficiary is
23 entitled to a retirement for accidental disability, the
24 beneficiary shall receive an accidental disability retirement
25 allowance which shall consist of a pension in an amount that is
26 equal to the greater of sixty percent of the member's average
27 final compensation or the retirement allowance that the member
28 would receive under subsection 2 if the member had attained
29 fifty-five years of age, or an amount equal to the ordinary
30 disability retirement allowance previously received by the
31 beneficiary, whichever is greater.

32 (2) An accidental disability allowance under this paragraph
33 shall commence effective the first day of the first month
34 following the determination that the ordinary disability
35 beneficiary is entitled to a retirement for accidental

1 disability.

2 Sec. _____. Section 411.6, subsection 9, paragraph a,
3 subparagraph (1), Code 2021, is amended to read as follows:

4 (1) If, upon the receipt of evidence and proof from the
5 chief of the police or fire department that the death of a
6 member in service was the natural and proximate result of an
7 injury or disease incurred in or aggravated by the actual
8 performance of duty ~~at some definite time and place~~ or arising
9 out of and in the course of the employment, or while acting
10 pursuant to order, outside of the city by which the member is
11 regularly employed, the system decides that death was so caused
12 in the performance of duty, there shall be paid, in lieu of the
13 ordinary death benefit provided in [subsection 8](#), an accidental
14 death benefit as set forth in [this subsection](#).

15 Sec. _____. Section 411.6, subsection 16, Code 2021, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. *d*. A person otherwise eligible to receive an
18 ordinary or accidental disability retirement benefit under this
19 chapter shall not be eligible to receive such a benefit if the
20 person is subsequently terminated or removed by the employing
21 city of the person pursuant to section 400.18 or 400.19, or
22 other comparable process. Upon determination of ineligibility
23 pursuant to this paragraph, the person's entitlement to a
24 disability benefit under this chapter shall terminate and any
25 disability retirement allowance received by such a person must
26 be returned to the system together with interest earned on the
27 disability retirement allowance calculated at a rate determined
28 by the system. However, the determination of ineligibility
29 as provided under this paragraph may be waived for good cause
30 as determined by the board. The burden of establishing good
31 cause is on the person who received the disability retirement
32 allowance.

33 Sec. _____. Section 411.8, subsection 1, paragraph f,
34 subparagraph (8), Code 2021, is amended to read as follows:

35 (8) Beginning July 1, 1996, and each fiscal year thereafter,

1 an amount equal to the member's contribution rate times each
2 member's compensation shall be paid to the fund from the
3 earnable compensation of the member. For the purposes of this
4 subparagraph, the member's contribution rate shall be nine
5 and thirty-five hundredths percent ~~or, beginning July 1, 2009~~
6 until June 30, 2009, nine and four-tenths percent until June
7 30, 2021, and, beginning July 1, 2021, nine and fifty-five
8 hundredths percent. However, the system shall increase the
9 member's contribution rate as necessary to cover any increase
10 in cost to the system resulting from statutory changes which
11 are enacted by any session of the general assembly meeting
12 after January 1, 1991, if the increase cannot be absorbed
13 within the contribution rates otherwise established pursuant to
14 this paragraph, but subject to a maximum employee contribution
15 rate of eleven and three-tenths percent or, beginning July
16 1, 2009, eleven and thirty-five hundredths percent. The
17 contribution rate increases specified in 1994 Iowa Acts, ch.
18 1183, pursuant to [this chapter](#) and [chapter 97A](#) shall be the
19 only member contribution rate increases for these systems
20 resulting from the statutory changes enacted in 1994 Iowa
21 Acts, ch. 1183, and shall apply only to the fiscal periods
22 specified in 1994 Iowa Acts, ch. 1183. After the employee
23 contribution reaches eleven and three-tenths percent or eleven
24 and thirty-five hundredths percent, as applicable, sixty
25 percent of the additional cost of such statutory changes shall
26 be paid by employers under paragraph "c" and forty percent
27 of the additional cost shall be paid by employees under this
28 paragraph.

29 Sec. _____. Section 411.15, Code 2021, is amended to read as
30 follows:

31 **411.15 Hospitalization and medical attention.**

32 1. a. Cities shall provide hospital, nursing, and medical
33 attention for the members of the police and fire departments
34 of the cities, when injured while in the performance of their
35 duties as members of such department, ~~and~~ or for injuries and

1 diseases arising out of and in the course of the employment.

2 b. Cities shall continue to provide hospital, nursing, and
3 medical attention for injuries or diseases incurred while in
4 the performance of their duties or arising out of and in the
5 course of the employment for members or beneficiaries receiving
6 a retirement allowance under section 411.6, subsection 6.

7 2. a. Cities may fund the cost of the hospital, nursing,
8 and medical attention required by this section through the
9 purchase of insurance, by self-insuring the obligation, or
10 through payment of moneys into a local government risk pool
11 established for the purpose of covering the costs associated
12 with the requirements of this section. However, the cost of
13 the hospital, nursing, and medical attention required by this
14 section shall not be funded through an employee-paid health
15 insurance policy.

16 b. A member or beneficiary shall not be required to pay the
17 cost of the hospital, nursing, and medical attention required
18 by this section, including but not limited to any costs
19 or premiums associated with any insurance policy providing
20 coverage for the hospital, nursing, and medical attention.

21 c. The cost of the hospital, nursing, and medical attention
22 required by this section shall be paid from moneys held in a
23 trust and agency fund established pursuant to section 384.6,
24 or out of the appropriation for the department to which the
25 injured person belongs or belonged; provided that any amounts
26 received by the injured person from any other source for such
27 specific purposes, shall be deducted from the amount paid by
28 the city under the provisions of this section.

29 3. a. For purposes of this subsection, "date of the
30 occurrence of the injury or disease" means the date that the
31 member or beneficiary knew or should have known that the injury
32 or disease was work-related.

33 b. To be provided the cost of the hospital, nursing, and
34 medical attention required by this section, the city or the
35 city's representative shall have actual knowledge of the

1 occurrence of an injury or disease or be provided notice of the
2 occurrence of an injury or disease on behalf of a member or
3 beneficiary within ninety days from the date of the occurrence
4 of the injury or disease.

5 c. An action to require the city to provide the cost of
6 the hospital, nursing, and medical attention required by this
7 section shall not be maintained unless the action is commenced
8 before the later of any of the following:

9 (1) Two years from the date of the occurrence of the injury
10 or disease.

11 (2) Two years from the date the city denies a claim to
12 provide hospital, nursing, and medical attention required by
13 this section.

14 (3) Five years from the last date of employment of the
15 member if the action is related to costs associated with a
16 disease as specified in section 411.6, subsection 5.>

17 2. Title page, line 1, after <entity> by inserting <and
18 benefits concerning members of the municipal fire and police
19 retirement system>

JACKIE SMITH